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10/052,577

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Brent Magouirk

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EXAMINER

LOFTIS, JOHNNA RONEE

ART UNIT

PAPER NUMBER

3624

NOTIFICATION DATE

DELIVERY MODE

02/27/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@hershkovitz.net  
patent@hershkovitz.net

<i>Office Action Summary</i>	Application No. 10/052,577	Applicant(s) MAGUIRK ET AL.	
	Examiner JOHNNA R. LOFTIS	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2008.  
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-25 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. The following is a final office action upon examination of application number 10/052,577. Claims 24 and 25 have been added. Claim 12 has been amended. Claims 1-25 are pending and have been examined on the merits discussed below.

#### *Response to Arguments*

2. Applicant's arguments filed with respect to previous rejections under 35 USC 101 have been fully considered but they are not persuasive. There are two corollaries to the machine-or-transformation test as set forth in the Memo dated January 7, 2009. First, a mere field of user limitation is generally insufficient to render an otherwise ineligible method claims patentable. This means the machine or transformation must impose meaningful limits on the method claim's scope to pass the test. Second, insignificant extra solution activity will not transform an unpatentable principle into a patentable process. This means reciting a specific machine or a particular transformation of a specific article in an insignificant step, such as data gathering or outputting, is not sufficient to pass the test. In this case, simply updating an electronic schedule is an insignificant extra solution activity since the rest of the claimed method is done without the interaction of a specific machine. Previous rejection under 35 USC 101 are upheld

3. Applicant's arguments filed with respect to whether Stack teaches the limitations of "including at least one non-purchaser" have been fully considered but they are not persuasive. In the cited passage of Stack, the data processor uses filter data (data that is input by a customer with potential interest, i.e., a non purchaser who is interested in a product) along with customer

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history to determine recommended goods or services. Here, in fact, both customer data and non-purchaser data is analyzed. Previous rejections are upheld.

4. Applicant's arguments filed with respect to whether Geerlings teaches "updating an electronic schedule" have been fully considered but they are not persuasive. In the cited portion of Geerlings, a campaign is created consisting of merchant-defined consecutive communications. The customer is identified, the contents of the communication (advertising), the date or timing of the communication (i.e., a schedule of communication), and the communication channel (email, mail, internet, etc.). In column 4, lines 45-57, Geerlings teaches the merchant's desired communications are stored in a strategy database; the strategy database storing the plans for desired communication. Therefore the schedule/timing of communication is stored electronically in the database. Previous rejections are upheld.

5. Regarding claims 9 and 10, Applicant has attempted to challenge the Examiner's taking of Official Notice. There are minimum requirements for a challenge to Official Notice:

(a) In general, a challenge, to be proper, must contain adequate information or arguments so that *on its face* it creates a reasonable doubt regarding the circumstances justifying the Official Notice

(b) Applicants must seasonably traverse (challenge) the taking of Official Notice as soon as practicable, meaning the next response following an Office Action. If an applicant fails to seasonably traverse the Official Notice during examination, his right to challenge the Official Notice is waived.

Bald statements such as, "the Examiner has not provided proof that this element is well known" or "applicant disagrees with the Examiner's taking of Official Notice and hereby

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requests evidence in support thereof”, are not adequate and do not shift the burden to the Examiner to provide evidence in support of the Official Notice.

Applicant has not provided adequate information or arguments so that *on its face* it creates a reasonable doubt regarding the circumstances justifying the Official Notice. Therefore, the presentation of a reference to substantiate the Official Notice is not deemed necessary. The Examiner’s taking of Official Notice has been maintained.

6. In response to Applicant’s arguments directed to the previous rejections under 35 USC 102, please refer to response above regarding whether Stack teaches “at least one non-purchaser”. In addition, Applicant argues Stack does not teach “performing a task...”. Examiner respectfully disagrees. Stack teaches upon determining what to recommend to a user (a recommended action), the item (in this case books) are recommended (the task of recommending is performed). Regarding claims 18 and 19, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

7. Regarding newly added claims 24 and 25, Examiner has added new rejections.

#### *Claim Rejections - 35 USC § 101*

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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9. Claims 1-19 and 24 are rejected under 35 U.S.C. 101 based on Supreme Court precedent and recent Federal Circuit decisions. The Office's guidance to examiners is that a § 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

3. An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a § 101 statutory process, the claim should positively recite the other statutory class (the thing or product) to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

Here, applicant's method steps fail the first prong of the new Federal Circuit decision since they are not tied to another statutory class and can be performed without the use of a particular apparatus. Thus, claims 1-19 are non-statutory since they may be performed within the human mind.

#### *Claim Rejections - 35 USC § 103*

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-8, 9, 10, 11-15, 21, 24 and 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Stack, US6782370, in view of Geerlings, US 5956693.

As per claim 1, Stack teaches statistically analyzing a collection of data representing historical interactions with a plurality of previous customers including at least one non-purchaser (column 1, lines 43-67 – collection of potential customer interest in a good and/or service and also collection of previous customer purchasing history); developing at least one recommended action item to be taken with respect to a current customer based on results of the statistical analysis (column 1, lines 43-67 and column 2, lines 32-67 – interest data and purchasing data are analyzed to produce recommendations); wherein at least one of said at least one non-purchaser is other than said current customer and past purchasers (column 1, lines 43-67 – collection of potential customer interest in a good and/or service and also collection of previous customer purchasing history). While Stack teaches generating recommendations, the reference fails to explicitly teach automatically updating an electronic schedule with at least one task representing the at least one recommended action item. Geerlings teaches this feature (column 4, line 58 – column 5, line 5 – customer activity is analyzed and a plan is formulated by the merchant for desired customer communications, the plan including the desired communication (mail, email, internet, fax, etc.) and the date or timing of when the communication is to be sent). It would have been obvious to one of ordinary skill in the art to include in the recommendation system of Stack the scheduling of communications regarding the recommendations as taught by Geerlings since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of

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ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 2, Stack doesn't explicitly teach developing more than one recommended action item and automatically updating the electronic schedule with more than one task, wherein the electronic schedule is updated with a task that corresponds to each of the recommended action items. However, Geerlings teaches developing more than one recommended action item (column 5, lines 32-35 – the merchant schedules transmitting communications on recurring basis and column 6, lines 40-42 – reference is made to sending different communications to the same customer); and automatically updating the electronic schedule with more than one task, wherein the electronic schedule is updated with a task that corresponds to each of the recommended action items (column 5, lines 32-35 – the merchant schedules transmitting communications on recurring basis). It would have been obvious to one of ordinary skill in the art to include in the recommendation system of Stack the above recited features as taught by Geerlings since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 3, Stack teaches statistically analyzing a collection of data representing historical interactions with a plurality of previous customers that include at least one purchaser and at least one-non purchaser (column 3, lines 50-65 – confidence matching factor is calculated to determine recommendations).

As per claim 4, Stack teaches developing at least one recommended action item to be taken with respect to a current customer based on at least one rule that is applied to the collection



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of data representing historical interactions with the plurality of previous customers (column 3, lines 50-65 – confidence matching factor is calculated to determine recommendations).

As per claim 5, Stack does not explicitly teach the limitations. However, Geerlings teaches developing at least one recommended action item to be taken with respect to a specific current customer based on a determination that the collection of data representing historical interactions with the plurality of previous customer shows that the specific current customer has not been contacted for a predetermined amount of time (column 5, lines 14-19 – the system analyzes how long ago a customer purchased a product in order to plan communication; if it has been more than 60 days since the purchase, communication is planned). It would have been obvious to one of ordinary skill in the art to include in the recommendation system of Stack the above recited features as taught by Geerlings since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 6, Stack teaches determining at least one pattern demonstrated by a group of the plurality of previous customers (column 3, lines 50-65).

As per claim 7, Stack teaches determining trends (column 3, lines 50-65), but does not teach the exact limitations of the claim. Geerlings teaches determining at least one trend based on environmental data characteristics (column 5, lines 6-9 – any combination of criteria based on age, gender, geographical location, shopping activity may be used to target the customer). It would have been obvious to one of ordinary skill in the art to include in the recommendation system of Stack the above recited features as taught by Geerlings since the claimed invention is

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merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 8, Stack teaches determining trends (column 3, lines 50-65), but does not teach the exact limitations of the claim. Geerlings teaches determining at least one trend based on an environmental data characteristic selected from the group consisting of product type, product cost, customer target cost, customer gender, customer age, salesperson's gender, the weather and salesperson's age (column 5, lines 6-9 – any combination of criteria based on age, gender, geographical location, shopping activity may be used to target the customer). It would have been obvious to one of ordinary skill in the art to include in the recommendation system of Stack the above recited features as taught by Geerlings since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 9, Stack, in combination of Geerlings, teaches scheduling desired communication (mail, email, internet, fax, etc.) and the date or timing of when the communication is to be sent based on the product purchased (Geerlings, column 4, line 58 – column 5, line 5), but does not explicitly teach automatically rescheduling the task if it is not performed as scheduled. Geerlings however teaches generating trigger statements wherein a criterion is set that triggers an action, i.e., send a communication after a predetermined amount of time. In view of the triggers in Geerlings, official notice is taken that it would have been obvious to one of ordinary skill in the art at the time of the invention to generate a trigger wherein if a

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communication is not sent as scheduled, i.e., network error, the communication is rescheduled to be sent. This would ensure communications to customers are sent regardless of any glitch in the system.

As per claim 10, Stack, in combination with Geerlings, teaches scheduling desired communication (mail, email, internet, fax, etc.) and the date or timing of when the communication is to be sent based on the product purchased (Geerlings, column 4, line 58 – column 5, line 5) but does not explicitly teach automatically re-assigning the task if it is not performed as scheduled. Geerlings however teaches generating trigger statements wherein a criterion is set that triggers an action, i.e., send a communication after a predetermined amount of time. In view of the triggers in Geerlings, official notice is taken that it would have been obvious to one of ordinary skill in the art at the time of the invention to generate a trigger wherein if a communication is not sent as scheduled, i.e., network error, the communication is rescheduled to be sent. This would ensure communications to customers are sent regardless of any glitch in the system.

As per claim 11, Stack teaches making recommendations (column 3 and column 4), But does not teach selecting an appropriate task type. Geerlings teaches determining the recommended action item includes selecting an appropriate task type (column 4, line 58 – column 5, line 5) – customer activity is analyzed and a plan is formulated by the merchant for desired customer communications, the plan including the desired communication (mail, email, internet, fax, etc.) and the date or timing of when the communication is to be sent, rules for sending offers are based on the product purchased, i.e., if a customer purchases a certain appliance and extended warranty offer is sent to the customer). It would have been obvious to

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one of ordinary skill in the art to include in the recommendation system of Stack the above recited features as taught by Geerlings since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 12, Stack teaches making recommendations (column 3 and column 4), But does not teach selecting an appropriate task type. Geerlings teaches determining the recommended action item includes selecting an appropriate task type selected from the group comprising at least one of sending flowers, send an email, contacting by telephone, sending a gift, sending a newsletter and sending a gift certificate (column 4, line 58 – column 5, line 5 – customer activity is analyzed and a plan is formulated by the merchant for desired customer communications, the plan including the desired communication (mail, email, internet, fax, etc.) and the date or timing of when the communication is to be sent, rules for sending offers are based on the product purchased, i.e., if a customer purchases a certain appliance and extended warranty offer is sent to the customer). It would have been obvious to one of ordinary skill in the art to include in the recommendation system of Stack the above recited features as taught by Geerlings since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 13, Stack teaches making recommendations based on interest and shopping history, but does not explicitly teach the features recited in the claims. Geerlings teaches the

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recommended action item includes selecting a timing and frequency for the at least one task (column 4, line 58 – column 5, line 5 – customer activity is analyzed and a plan is formulated by the merchant for desired customer communications, the plan including the desired communication (mail, email, internet, fax, etc.) and the date or timing of when the communication is to be sent). It would have been obvious to one of ordinary skill in the art to include in the recommendation system of Stack the above recited features as taught by Geerlings since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 14, Stack teaches statistically analyzing a collection of data representing historical interactions between a single sales entity and a plurality of previous customers (column 3 – column 4 - historical purchases are analyzed using confidence match factor))

As per claim 15, Stack teaches statistically analyzing data representing historical interactions, but does not explicitly teach the limitations of the claim. Geerlings teaches statistically analyzing a collection of data representing historical interactions between a plurality of sales entities and a plurality of previous customers (column 16, lines 13-34 – different branches, departments and/or sites of the company utilize the system as though they are separate merchants). It would have been obvious to one of ordinary skill in the art to include in the recommendation system of Stack the above recited features as taught by Geerlings since the claimed invention is merely a combination of old elements, and in the combination each element

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merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 21, Stack teaches data representing historical interactions with the plurality of previous customers including at least one non-purchaser are client ticket sessions (column 3, column 4, customer purchase data is collected and retrieved for purposes of recommending items).

As per claim 24, Stack teaches the task of sending a communication of a recommendation, but does not explicitly teach the task comprises at least one of sending flowers, sending an email, contacting by telephone, sending a gift, sending a newsletter, and sending a gift certificate. Geerling teaches send a communication using a desired communication channel (i.e., mail, email, etc.) (column 4, line 48 - column 5, line 5). It would have been obvious to one of ordinary skill in the art to include in the recommendation system of Stack the above recited features as taught by Geerlings since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 25, Stack teaches the task of sending a communication of a recommendation, but does not explicitly teach the task comprises at least one of sending flowers, sending an email, contacting by telephone, sending a gift, sending a newsletter, and sending a gift certificate. Geerling teaches send a communication using a desired communication channel (i.e., mail, email, etc.) (column 4, line 48 - column 5, line 5). It would have been obvious to one of ordinary skill in the art to include in the recommendation system of Stack the above recited

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features as taught by Geerlings since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

12. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stack and Geerlings, further in view of Kramer et al, US 6,327,574.

As per claim 16, the combination of Stack and Geerlings does not explicitly teach statistically analyzing a collection of data that has been stripped of client confidential information and represents historical interactions between a plurality of sales entities and a plurality of previous customers. However, Kramer et al teaches removing confidential consumer information while still allowing targeted marketing to take place. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the removal of confidential consumer information, as a way to ensure customer information will not end up in the wrong hands.

*Claim Rejections - 35 USC § 102*

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who

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has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

14. Claims 17-20, 22 and 23 rejected under 35 U.S.C. 102(a and e) as being anticipated by Stack, US 6782370.

As per claim 17, Stack teaches statistically analyzing a collection of data representing historical interactions with a plurality of previous customers including at least one non-purchaser (column 1, lines 43-67 – collection of potential customer interest in a good and/or service and also collection of previous customer purchasing history); developing at least one recommended action item to be taken with respect to a current customer based on results of the statistical analysis (column 1, lines 43-67 and column 2, lines 32-67 – interest data and purchasing data are analyzed to produce recommendations); performing a task that corresponds to the at least one recommended action item (column 3 – column 4 – books are recommended); wherein at least one of said at least one non-purchaser is other than said current customer and past purchasers (column 1, lines 43-67 – collection of potential customer interest in a good and/or service and also collection of previous customer purchasing history).

As per claim 18, Stack teaches performing the task in response to a user directive (column 3, column 4 – recommendation in response to user actions).



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As per claim 19, Stack teaches automatically performing the task (column 3 – 14-28 – once a user selects a book, the system automatically makes recommendations based on selection).

As per claim 20, it is the system with means for performing the method of claim 17. Since Geerlings teaches a computer system wherein customer data is analyzed to develop a plan for targeted communication the same rejection as applied to claim 17 is applied to claim 20.

As per claim 22, Stack teaches data representing historical interactions with the plurality of previous customers including at least one non-purchaser are client ticket sessions (column 3, column 4, customer purchase data is collected and retrieved for purposes of recommending items).

As per claim 23, Stack teaches data representing historical interactions with the plurality of previous customers including at least one non-purchaser are client ticket sessions (column 3, column 4, customer purchase data is collected and retrieved for purposes of recommending items).

### *Conclusion*

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHNNA R. LOFTIS whose telephone number is (571)272-6736. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brad Bayat can be reached on 571-272-6636. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Bradley B Bayat/

Supervisory Patent Examiner, Art Unit 3624